DOCUMENT RESUME

ED 202 353 HE 013 861

AUTHOR	Clark, Burton R.; And Others
TITLE	[Higher Education and Government, the Legislative Role, and Collective Bargaining. Collected Remarks].
INSTITUTION	Education Commission of the States, Denver, Colo. Inservice Education Program.; State Higher Education Executive Officers Association.
SPONS AGENCY	Kellogg Foundation, Battle Creek, Mich.
REPORT NO	IEP-021; IEP-912-2; IEP-912-5; IEP-912-6
PUB DATE	77
NOTE	8p.; Papers presented at Seminars for State Leaders in Postsecondary Education.
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Bureaucracy; *Collective Bargaining; College Faculty; Educational Cooperation; *Governance; *Government School Relationship; *Higher Education; Policy Formation; *Public Policy; *State Boards of Education; State Legislation
IDENTIFIERS	*Seminars for State Leaders Postsec Ed (ECS SHEEO)

ABSTRACT

As part of an inservice education program, papers are presented from a 1978 conference that addressed major issues of the 1980s in statewide coordination and governance in postsecondary education, along with excerpts from a 1977 conference on the relationship between higher education and government as seen from abroad. In the introduction to the 1978 conference on statewide coordination and governance in the 1980s, Jerome M. Pollack suggests that emerging statewide boards for coordination and/or governance have become the major agency affecting higher education and that higher education policies must also address what is occurring in other elements of society. In another paper James Rosser considers how collective bargaining has changed the nature of the collegial governance system. There also has emerged public employee relations types of commissions that have affected the internal management and administration of higher education institutions, and there have been changes in the nature of grievance procedures, new interpretations of due process, academic freedom, students' role in faculty appointments and tenure decisions, and reduction-in-force clauses in contracts. Perspectives on the legislative role are offered in a paper by H. A. Goltz. It is suggested that legislative staffs are becoming a force of their own, and sometimes it is difficult to make a distinction between a staff responsibility and a staff's becoming a policy-maker in its own right. The state legislature is also listening to what the public thinks higher education should be doing. Excerpts from the 1977 conference by Burton R. Clark include five lessons from abroad, including the notions that central bureaucracy cannot effectively coordinate higher education and that institutional differentiation is needed. (SW)

ED2023553

Inservice Education Program (IEP)

Paper Presented at a Seminar for State Leaders in Postsecondary Education

(HIGHER EDUCATION AND GOVERNMENT, THE LEGISLATIVE ROLE, AND COLLECTIVE BARGAINING. COLLECTED REMARKS)

1977

Burton R. Clark, Jerome M. Pollick, James Rosser

H.A. "Barney" Goltz

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

ECS

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

IEP-021;
IEP-912-2
IEP-912-5

IEP Reprint No. 912-6

HE013 861

Education Commission of the States

Inservice Education Program (IEP)
Education Commission of the States
1860 Lincoln Street, Suite 300
Denver, Colorado 80295

SHEEO

The IEP Program has been supported primarily by the W. K. Kellogg Foundation with additional funds from the Education Commission of the States, the Frost Foundation and the State Higher Education Executive Officers

EXCERPTS *

THE CHANGING RELATIONS BETWEEN HIGHER EDUCATION AND GOVERNMENT: SOME PERSPECTIVES FROM ABROAD

Burton R. Clark
Professor of Sociology and Chairman,
Program of Comparative and Historical Studies
of Higher Education, Yale University

As we search for useful angles of vision that will widen and change our perspectives, there are different directions in which we can turn. One is to history: as so often remarked, those who will not learn from history are doomed to repeat the errors of the past. A second direction is to cross-national comparison: those who will not learn from the experience of other countries are likely to repeat the errors of others. In thinking about postsecondary education, Americans have remained somewhat isolated and insular, for a number of reasons: we are the largest system; our system has been the one most widely acclaimed since the second quarter of this century; we are geographically separated from the other major national models; we have many unique features; and we are busy and have more pressing things to do in Montana as well as in New York than to ask how the Austrians and Swedes do it. But there is a great deal to learn about ourselves by learning about others, in this very important sector of society to which we devote our lives, and it is wise that we learn in advance of the time when events will force us to do so.

• • • •

Cross-national thinking encourages the long view in which, for once, we might get in front of our problems. We might even find out what not to do, while there is still time not to do it. The perspectives that I draw from comparative research, as you will see, indicate that we are now making changes that (a) deny the grounds on which we have been successful to date, and (b) may well lead to arrangements that will seriously hamper us in the future.

• • • •

Five lessons from abroad.....

Lesson One: Central Bureaucracy Cannot Effectively Coordinate Higher Education. There is little remaining doubt about what the transition from elite to mass higher education means by way of required "response" of structured state and national systems. It means that viability increasingly depends on: (a) plural rather than singular reactions, or the capacity to face simultaneously in different directions with contradictory reactions to contradictory demands; (b) quicker reactions, by at least some parts of the system, to certain of the demands; and (c) a command structure that allows for the needed myriad adaptations to the increasing variation of special contexts and local conditions. A unified system coordinated by a state bureaucracy is not set up to work in these ways. The unitary system resists a differentiated and flexible approach of diversified response.

• • • •

Lesson Two: The Greatest Single Danger in the Control of Higher Education is a Monopoly of Power. For two good reasons: a monopoly expresses the interests and perspectives of just one group, shutting out the expression of other interests; and no one group is wise enough to solve all the problems.

• • • •

Lesson Three: A Second Great Danger in the Control of Higher Education is Domination by a Single Form of Organization. No single form will suffice in mass higher education.

• • • •

Lesson Four: Insititutional Differentiation is the Name of the Game in the Coordination of Mass Higher Education. Lesson four is the flip side of lesson three, but the point is so fundamental that it can stand restatement. It answers the most important, substantive question in high-level system coordination and governmental policy: will and should our universities and colleges become more alike or more unlike? The pressures of the times in nearly all countries is heavily toward institutional uniformity. Yet the lesson to be learned on this issue from cross-national comparison is that uniform institutions cannot possibly do the job and that institutional differentiation is the prime requirement for system viability.

• • • •

Lesson Five: Autonomous Action and Planning are Both Needed as Mechanisms of Differentiation, Coordination, and Change. The difference between the acceptance of roles on the part of American community colleges and state colleges, and analogous situations abroad, suggest that we cannot leave everything to the drift of the marketplace and autonomous action and competition within it. Unless the anchorage is there for different roles, institutions will voluntarily converge.

• • • •

The changing relation between higher education and government is that higher education is becoming more governmental. It moves inside government, becomes a constituent part of government, a bureau within public administration. On this, perspectives from abroad are invaluable, since others have indeed been there first, and we are the laggards who can look down the road that others have so earnestly traveled. No small point from abroad is inherently transferable, since it is always heavily linked to other items within a matrix, and context becomes everything. It is the larger portraits of relations that should catch our attention, principally to stimulate our imagination about options, limits, and potentialities.

---

* From paper prepared for the Inservice Education Program Seminar, Education Commission of the States, Preceding the 24th Annual Meeting of State Higher Education Executive Officers (SHEEO), Big Sky, Montana, August 2, 1977.

Introduction

by Jerome M. Pollack

I want to comment briefly about the origins of this conference. Almost a year ago, the president of Spring Hill Center, Harry Day, described to me the Center's programming interests. Because of his longtime concern for higher education, he wanted Spring Hill to be known as a place where people in the field of higher education could meet and discuss a variety of pertinent educational problems. Out of that discussion the impetus for this conference was generated. Soon afterwards, G. Theodore Mitau of the Minnesota State University System and Richard Millard and Louis Rabineau from the Education Commission of the States became involved.

Our feeling was that emerging statewide boards for coordination and/or governance have become the major agency affecting higher education. We also believed that this might be a good time to make some judgments about the role of such boards vis-a-vis the condition of higher education and the problems confronting it. This conference has taken some initial steps to make us cognizant of future needs. Equally important, I hope that we have made some judgments about the past and the present that will permit us to properly address the future.

Several points repeatedly emerged from our sessions. First, in attempting to deal with the future, those of us involved with higher education do not have to be especially concerned with an assessment of what went on prior to the end of World War II. We can begin with the rather amazing post-war revolution which occurred in higher education.

Jerome M. Pollack is President of Fairleigh Dickinson University and a member of the New Jersey State Board of Higher Education.

The critical elements associated with that revolution included both the rapid expansion of higher education, requiring us to deal with very large numbers of people, and the condition that higher education had become a fundamental part of the public consciousness. Following World War II, in a way that had never before been present, higher education became everybody's business. It was the concern of the man on the street, of every parent, of every student or potential student, of all employers and of the legislative and executive branches of the state and federal governments. As a result, higher education has now come of age as a political entity within the political firmament. All conversations during this conference have included this particular notion. We are not isolated: what we do affects other elements in society and, equally important, what other elements in society do affect us.

Second, it has become clear that post-war circumstances, themselves, are now rapidly changing and education is at a point of hesitation. We are on the verge of a new revolution which may, in the long run, change the nature of higher education in this country as effectively and drastically as the period immediately preceeding it. This conference emphasized that the potential changes can be, and are likely to be, profound.

There were several external factors also mentioned during the conference that impinge upon higher education. First, higher education is not its own master; it is not necessarily free to institute desired changes independently from what is happening in society at large. This is true with respect to both federal and state governments. Second, it has become quite clear that the enterprise of higher education never before has been so inten-

sively studied, nor has so much information been available.

This broad spectrum of data, studies and the numbers of people involved creates, in itself, a new condition for higher education which has to be addressed. Clearly, and this was reflected in the discussions, it may be time to re-examine the purpose and function of higher education beyond just dealing with enrollment and numbers. Also, we are at a point where we must recognize that the concept of a common vision regarding higher education may be simply rhetoric.

There are different constituencies who expect different things from higher education. This may always have been the case. For example, parents, and therefore a very large percentage of the voting population, expect one thing from higher education: in its simplest terms it is a place for their children to go to school. That was a driving force in the past. But students expect something else from higher education. As was mentioned at this conference, they expect higher education to be a vehicle that will train them to be productive economically. Students have career aspirations which they expect higher education institutions to help meet.

Employers also expect something of education. I think we sometimes lose sight of the fact that one of the functions of higher education, perhaps right from its beginning, was certification. Employers want some assurance that when they hire someone, he or she has certain kinds of background or training. It should be mentioned, too, that those of us engaged in working as administrators, staff or faculty expect something from institutions of higher education: namely, that we have a place to work. There is tremendous pressure, of which collective bargaining is only one manifestation, for the continuance of job structures and the security associated with it. Government officials also have a different view and different expectations of higher education.

One of the tasks for the future is not only to recognize differences among constituencies, but also to identify the kinds of common goals they might have; and then to develop plans and programs to reinforce the common goals. For example, one critically important function of higher education almost never mentioned – and interestingly enough not mentioned during the course of this conference – is that of keeping very large numbers of people between the ages of eighteen and twenty-four out of the job market. The enormous economic implications of this are illustrated by the G.I. Bill, one of the most important and profound social experiments in which the United States or any other country engaged. A primary reason for the introduction of the education portion of the G.I. Bill was to employ positively large numbers of returning veterans who would otherwise be thrust upon a job market unable to absorb them. There was deep concern about the economy, and the government wanted to avoid a march on Washington similar to that which took place after World War I.

Bringing constituents together by various means may be the single most important responsibility of statewide coordinating or governing agencies. The basic question of the role and function of higher education in society needs to be discussed. If this is not done, the issues raised here may not be properly considered; or they may be addressed in a way which allows them to remain atomistic, which, until now, has characterized the mode of planning. It should be emphasized that the planning function of these boards is their major task; and it will have to be dealt with in a truly holistic fashion. This has never been done well before.

In addressing the planning function, there are two mistakes that those interested in higher education must avoid. First, the description of the system cannot become the prescription for the solution. We must not fall into the trap of allowing what we describe to become a self-fulfilling prophesy about what the future might hold. Second, we must not fail to recognize that the "consumption" of the product is as important as "buying" and "selling" it.

We have available to us means of intervention, and upon this we will have to spend most of our time, attention and intellect. We are dealing with the future of individuals and, in the most important kind of way, with the future of this nation.

Collective Bargaining

by James Rosser

Collective bargaining has severely changed the nature of the collegial governance system that has existed in many higher education institutions and even in some state systems. There also has emerged a series of external agencies that have placed their stamp on the internal management and administration of institutions of higher learning. These are public employee relations types of commissions which play a very prominent role in defining a whole range of questions relating to what formerly were defined as faculty rights, privileges and prerogatives and what are now being coined as terms and conditions of employment.

There is a change in terms of the nature of grievance procedures. Court decisions are beginning to have an impact on due process and on redefining a variety of factors relating to what academic freedom may have been considered in the past. Unions typically have placed a primary emphasis on employment security. An additional problem that higher education is beginning to face is defining the position of students as consumers of educational services in relationship to collective bargaining. Institutions are seeing a much more active students' role in initial appointments, reappointments and tenure decisions. There is a growing advocacy as they become concerned when enrollments get tight.

An additional problem relates to retrenchment and collective bargaining. The introduction of reduction-in-force clauses in contracts has been determined to be a negotiable item, at least as relates to impact. An additional item of interest pertains to the fact that the negotiated contract with the New Jersey state college faculty union (AFT), gives the union leader the right to speak on any matter at any Board of Higher Education meeting. In the area of affirmative action, unions are still concerned primarily with job security as well as with terms and conditions; there is a seniority principle that still exists. So institutions find themselves in a very difficult position vis-a-vis reduction-in-force clauses and affirmative action policies.

An escalation has occurred in the number of administrators required, in effect, to interact with organized faculty units. There has been an overburdening of the normal grievance procedures within an institution with appeals all the way up the line. And court cases or even grievance decisions are made which go against the institution, not on the basis of principle but by virtue of the fact of incomplete data and available information.

College presidents and boards of trustees probably have been a little slow in developing a concept of what their role is in the bargaining process as they move to the bargaining table. Professional labor negotiators on the union side have come in to negotiate with individuals who were novices. At the outset, management gave up a great deal more than was necessary in preserving some of its prerogatives.

As management looks to the 1980s and confronts the issue of how to meet changing needs and new demands, it must be sensitive to the fact that collective bargaining can be an impediment. Much like statewide coordination, collective bargaining has become a permanent feature of higher education. Management must learn to live with collective bargaining and must devote a great deal of creative energy and intellect to it in order to be able to be responsible as well as responsive.

James Rosser is Vice Chancellor of the New Jersey State Board of Higher Education.

Legislative Role

by H. A. "Barney" Goltz

The legislature is changing from a part-time to a full-time kind of body, and legislators are different now. In many cases they are younger than they have been in the past. They are voting themselves higher salaries and are undergoing a greater turnover, and they come from an open government background. Many of the legislators now being elected to office came out of the period of unrest in the higher education institutions. In a sense, the legislative process itself has become politicized in terms of decision making regarding higher education.

It is not possible any more for any single legislator to bring back a college to his district. Rather, the process goes from an individual effort to a widespread effort of systems, formulas and staff. Greatly increased legislative staffs, computers and other kinds of resources make it possible for the legislature to be a coequal with the executive branch of government. Legislative staffs are, in some respects, becoming a force of their own.

Sometimes it is difficult to make a distinction between a staff responsibility and a staff's becoming policy makers in its own right, because when the legislators go home, the legislative staff remains behind with the staff of coordinating councils and with the governor's staff from the executive budget office. If the legislature, for example, gives the mandate to the legislative staff to study the issue of student tuition and if there may be a resolution from the Council for Postsecondary Education to study student tuition while the governor's staff is studying student tuition, the best way to resolve the policy issue should be to have different points of view clash in an environment of goodwill between the legislative and executive branches. Instead of that, one finds that the political process has occurred while the legislators are back home. Out of the three separate, independent views of student tuition comes one recommendation because the staffs meet one another, work together and develop staff comraderie.

Another issue is the growing strength of the student lobbying effort. They are committing resources of their own, and they are interested in consumer legislation. There may be an education malpractice suit brought against institutions and the legislature for failure to meet the commitments which apparently were made through catalogs and other things.

Finally, there is a concern by the state legislature to be more responsive to what the public thinks higher education should be doing rather than to what the institutions have been saying that they should be doing. For example, there is more interest in vocational education. I think that the legislature is increasingly concerned about the cost of programs and is trying to stretch the tax dollar by looking for unnecessary programs. Legislatures are accusing some of the institutions of creating demand in order to maintain full-time-equivalent formulas and faculty positions. They are concerned about duplication.

State Senator H.A. "Barney" Goltz is Chairman of the Higher Education Committee for the State of Washington.